

REQUEST FOR COUNCIL ACTION

MEETING

DATE: 4-7-03

247-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-10
ITEM DESCRIPTION: General Development Plan #204 by Jerry Rishavy. The applicant is proposing to develop the east portion of a parcel of land located north of 26 th Street NW, along the east frontage road of T.H.52 with commercial uses permitted in the B-4 (General Commercial) zoning district. The westerly portion was rezoned to the B-4 district in 2002.		PREPARED BY: Brent Svenby, Planner
<p>March 11, 2002 <i>NOTE: See CPZC minutes from previous LUPA hearing.</i></p> <p><u>City Planning and Zoning Commission Recommendation:</u></p> <p>On March 12, 2003 the City Planning and Zoning Commission reviewed this General Development Plan. The Commission also reviewed a Land Use Plan Amendment and zone change for the property</p> <p><i>A revised GDP was submitted on March 24th indicating a bufferyard with an 8 foot high wood stockade fence along the east property boundary. This bufferyard is what would be required if the property was zoned B-4 and developed as a sales lot. No additional buffering is being provided.</i></p> <p>The Commission reviewed this proposal according to the criteria listed in Paragraph 61.215 of the Zoning Ordinance and Land Development Manual.</p> <p>Mr. Staver made a motion to recommend denial of General Development Plan #204 by Jerry Rishavy based on denial of the land use plan amendment and zoning district amendment. Ms. Petersson seconded the motion. The motion carried 6-2, with Mr. Quinn and Mr. Burke voting nay.</p> <p><u>Planning Staff Recommendation:</u></p> <p>See attached staff report dated March 6, 2003.</p> <p><u>Council Action Needed:</u></p> <ol style="list-style-type: none">1. The Council may approve, approve with conditions, or deny the general development plan. The Council must make findings based on the criteria listed in Paragraph 61.215.2. If the Council wishes to proceed with the general development plan as proposed, it should instruct the City Attorney to prepare a resolution for Council approval. <p><u>Attachments:</u></p> <ol style="list-style-type: none">1. Staff Report dated March 6, 20032. Minutes of the March 12, 2003 CPZC Meeting (attached to the LUPA RCA) <p><u>Distribution:</u></p> <ol style="list-style-type: none">1. City Administrator2. City Attorney3. Planning Department File4. Applicant: This item will be considered some time after 7:00 p.m. on Monday, April 7, 2003 in the Council/Board Chambers in the Government Center at 151 4th Street SE.5. McGhie & Betts, Inc.		
COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____		

ALL USES ALLOWED IN THE B-4 ZONING DISTRICT
WILL BE CONSIDERED FOR THIS SITE PROVIDED THE
TRAFFIC GENERATED BY SUCH USE IS ADEQUATELY
HANDLED THROUGH THE ALLOWABLE ACCESS TO THE
FRONTAGE ROAD AND MEET ALL OTHER SITE CAPACITY
CRITERIA OF THE ADOPTED ZONING ORDINANCE.

~~14~~
PARK PLACE
MOTORS

PROPOSED
BUFFERYARD
WITH B' WOOD
STOCKADE
FENCE

PEDESTRIAN FACILITIES

CONTINUED ACCESS
FRONTAGE ROAD

T.H. 52

CONTROLLED ACCESS

EXISTING
HOUSE

**EXISTING
PINE TREES**

PROPOSED
CONTROLLED
ACCESS

CASCADE ST NW

**EXISTING
DRIVE**

**EXISTING
GARAGE**

POLT
PROPERTY

EXISTING PORTION
CURRENTLY ZONED
R-4



REVISÉD

RECEIVED
MAR 24 2003
ROCHESTER GLAIST
PLANNING DEPARTMENT

~~26 ST NW~~

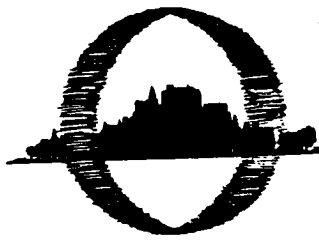
REVISÉ: 03/24/03

GENERAL DEVELOPMENT PLAN

FDR : JERRY RISHAVY
SHORT LINE AUTO, INC.
2622 HWY 52 NORTH
ROCHESTER, MN
55901

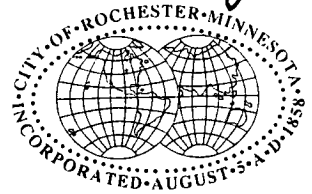


SCALE:	1" = 60'
DRAWN BY:	JJJ
DATE:	02/12/03
ACCT. NO.:	7238/3031
FILE NO.:	BK. Pfr.
	Cadd No. 3031GDP



ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: March 6, 2003

RE: General Development Plan #204 by Jerry Rishavy. The applicant is proposing to develop a parcel of land located north of 26th Street NW, along the east frontage road of T.H. 52 with commercial uses permitted in the B-4 (General Commercial) zoning district.

Planning Department Review:

Petitioner/Property Owner:

Jerry Rishavy
4741 Common Place NW
Rochester, MN 55901

Consultant:

McGhie & Betts, Inc.
1648 Third Ave. SE
Rochester, MN 55904

Location of Property:

The property is located along the east frontage road of T.H 52, north of 26th Street NW.

Proposed Use:

No specific use is identified on the GDP. A note on the GDP indicates that all uses allowed in the B-4 zoning district will be considered for the property.

Land Use Plan:

The Rochester Urban Service Area Land Use Plan currently designates the property for "medium density residential" uses. The applicant has filed a Land Use Plan Amendment petition to change the designation from "medium density residential" to the "commercial" designation.

Zoning:

The property is currently zoned R-3 (Medium Density Residential) on the City of Rochester Zoning Map. The applicant has filed a zoning district amendment to change to zoning from the R-3 district to the B-4 (General Commercial) zoning district.

Streets:

Access to this property is from the Frontage Road. There is a 32 foot wide access opening that is shared with the property to the south. The existing driveway serves the office.



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Drainage:

A Storm Water Management fee will apply to any new areas of impervious surface associated with the development which does not drain to a permanent on-site detention facility.

Detailed grading and drainage plans will also be required when the property is developed.

Wetlands:

According to the Olmsted County Soil Survey, hydric soils exist on the site. Prior to any development on the site, a wetland investigation needs to be completed and appropriate information submitted to the Local Government Unit.

Public Utilities:

Services are available to serve this property.

Parkland Dedication:

Since this is a commercial development, there are no parkland dedication requirements.

Referral Comments:

1. Rochester Public Works
2. RPU Water Division
3. RPU Operations Division
4. Fire Department
5. Planning Department - Wetlands
6. MnDOT

Report Attachments:

1. Copy of Proposed GDP
2. GDP Narrative
3. Referral Letters (2)

Analysis:

No specific use is identified on the .53 acre parcel. However, the GDP list that all uses allowed in the B-4 zoning district will be considered for the property.

Criteria & Staff Suggested Findings:

Paragraph 61.215 of the Rochester Zoning Ordinance and Land Development Manual lists the Criteria for approval of a general development plan. The criteria and the staff suggested findings are as follows:

- Criteria A. The proposed land uses are generally in accord with the adopted Comprehensive Plan and zoning map, or that the means for reconciling any differences have been addressed. A GDP may be processed simultaneously with a rezoning or plan amendment request.

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A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the B-4 zoning district would be consistent with the land use designation for the property.

- Criteria B. The proposed development, including its lot sizes, density, accesses and circulation are compatible with the existing and/or permissible future use of adjacent property.

The commercial land use designation does allow for a number of different types of land uses. The property is currently used of the office for the automobile sales lot located to the west. The use of the property was considered to be conforming to the zoning ordinance and provides for a transition area from the lower intensity development (single family residential) to the east to the higher intensity development to the west (auto sales lot).

A Land Use Plan amendment and Zoning District amendment are being considered concurrent with this GDP. If the amendments are approved, the land uses within the B-4 zoning district would be consistent with the land use designation for the property.

- Criteria C. The mix of housing is consistent with adopted Land Use and Housing Plans.

Not applicable to commercial development.

- Criteria D. The proposed plan makes provisions for planned capital improvements and streets reflected in the City of Rochester's current 6-Year Capital Improvement Program, adopted Thoroughfare Plan, the ROCOG Long-Range Transportation Plan, Official Maps, and any other public facilities plans adopted by the City. Street system improvements required to accommodate proposed land uses and projected background traffic are compatible with the existing uses and uses shown in the adopted Land Use Plan for the subject and adjacent properties.

Access to the property is from the east frontage road of Trunk Highway 52. The access from the property is a 32 foot wide shared access opening with the property to the south.

- Criteria E. On and off-site public facilities are adequate, or will be adequate if the development is phased in, to serve the properties under consideration and will provide access to adjoining land in a manner that will allow development of those adjoining lands in accord with this ordinance.

1. Street system adequacy shall be based on the street system's ability to safely accommodate trips from existing and planned land uses on the existing and proposed street system without creating safety hazards, generating auto stacking that blocks driveways or intersections, or disrupting traffic flow on any street, as identified in the traffic impact report, if required by Section 61.523(C). Capacity from improvements in the first 3 years of the 6-year CIP shall be included in the assessment of adequacy.

Access to the property is from the east frontage road of Trunk Highway 52. The access from the property is a 32 foot wide shared access opening with the property to the south.

2. Utilities are now available to directly serve the area of the proposed land use, or that the City of Rochester is planning for the extension of utilities to serve the area of the proposed development and such utilities are in the first three years of the City's current 6-Year Capital Improvements Program, or that other arrangements (contractual, development agreement, performance bond, etc.) have been made to ensure that adequate utilities will be available concurrently with development. If needed utilities will not be available concurrent with the proposed development, the applicant for the development approval shall stipulate to a condition that no development will occur and no further development permit will be issued until concurrency has been evidenced.

Services are available to serve this property. At the time a specific use is proposed for the property, the use will need to proceed through the Site Development Plan review process at which time utilities will be reviewed in more detailed.

3. The adequacy of other public facilities shall be based on the level of service standards in Section 64.130 and the proposed phasing plan for development.

No storm water management facilities are identified on this GDP. A Storm Water Management fee will apply to any new areas of impervious surface associated with the development which does not drain to a permanent on-site detention facility.

- Criteria F. The drainage, erosion, and construction in the area can be handled through normal engineering and construction practices, or that, at the time of land subdivision, a more detailed investigation of these matters will be provided to solve unusual problems that have been identified.

No storm water management facilities are identified on this GDP. A Storm Water Management fee will apply to any new areas of impervious surface associated with the development which does not drain to a permanent on-site detention facility.

Detailed grading and drainage plans will also be required when the property is developed.

- Criteria G. The lot, block, and street layout for all development and the lot density for residential development are consistent with the subdivision design standards contained in Section 64.100 and compatible with existing and planned development of adjacent parcels.

Access to this property is from a 32 feet wide shared access opening with the property to the south. Zoning district appearance standards will be reviewed in detail at time when a specific use is proposed on the property and is reviewed through the Site Development Plan review process.

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Recommendation:

The applicant has filed petitions to amend the Rochester Urban Service Area Land Use Plan to designate .53 acres to the 'commercial' designation and to rezone .53 acres to the B-4 zoning district.

If the Commission and Council do not approve the re-zoning petition and Land Use Plan Amendment, this GDP should be denied.

If the CPZC and Council decide that the .53 acre site meets the criteria for the applications submitted, staff would suggest the conditions be placed on the GDP:

- 1. A grading plan is required for any new development of this property, if the grading involves more than 50 cubic yards. A storm water management fee shall apply to any new areas of impervious surface associated with development of the site that does not drain to a permanent on-site detention facility.***
- 2. Prior to the development of the property, any proposed use shall be reviewed through the Site Development Plan review process.***
- 3. The owner shall dedicate a "Noise Easement" to the City/MnDOT.***

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: LUP Amendment #03-03 and Zoning District
Amendment #03-07

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☒ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

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DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

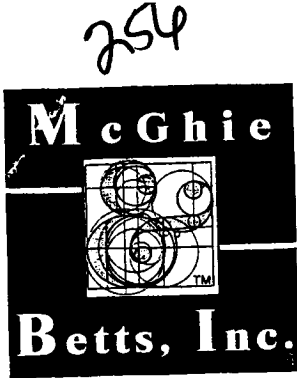
DATE: 2/28/03

The Department of Public Works has reviewed the application for General Development Plan #204 for the Rishavy Property. The following are Public Works comments on this request:

1. Development of the westerly B-4 portion of this property has previously been reviewed as Site Development Plan application SDP#02-14. Through that review process access and required pedestrian facilities have been addressed. In addition, the Owner has paid its applicable Storm Water Management fee for the benefit of participation in the City's Storm Water Management Plan, for the impervious surface proposed through SDP#02-14.
2. Development/Redevelopment of the property involving grading of more than 50 cu yds of material will require separate Grading Plan approval.
3. If additional development takes place on the Property, a Storm Water Management fee will be applicable to any areas of new impervious surface.
4. Execution of a Contribution Agreement is required to address the Owner's obligations regarding the future reconstruction of the East Frontage Road, and construction of 19th St NW / Cascade St NW.
5. The Owner is required to dedicate a "Noise Easement" to the City / MnDOT.

This Property has previously been assessed and paid charges for the J8261 Sanitary Sewer & Watermain project. The following additional development charges are applicable to the Property, if addition development/redevelopment will involve any new utility service connection(s) to City sewer and/or water. (rates below are current through 7/31/03):

- ❖ Water Availability Charge @ \$1790.25 per developable acre
- ❖ Sewer Availability Charge (SAC) @ \$1790.25 per developable acre.
- ❖ Storm Water Management – TBD, for any impervious surface that was not included as part of the SDP#02-14 application approval.



Rochester
Minnesota

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

GENERAL DEVELOPMENT PLAN RISHAVY PROPERTY

Our client, Mr. Jerry Rishavy – Short Line Auto, proposes a zone change from R-3, medium density residential, to B-4, general commercial, on approximately 0.53 acres on Lot 13, Allendale Subdivision. Due to this rezoning, the applicant is also required by the City of Rochester Zoning Ordinance to go through the process of a General Development Plan and also a Land Use Plan Amendment.

The property is adjacent to Park Place Motors to the north, which is currently zoned B-4 and the Word of Life Church, which is to the south, which is zoned R-3.

The following is a written summary of the General Development Plan in accordance with Appendix B E-3.

- a) Topographic or soils conditions which, in the estimation of the applicant, may create potential problems in street, drainage, public utilities or building design and construction, and how these problems will be investigated further or engineered to overcome the limitations.

There are no topographic or soil conditions on the site which create any potential problems for design or construction of any structures or roads.

According to the National Wetland Inventory Maps there are no wetlands located on the site.

- b) Storm drainage problems which, in the estimation of the applicant, may result in the increase of normal costs.

The storm drainage does not appear to cause problems that will result in the increase of normal costs.

- c) Identification of potential off-site drainage problems.

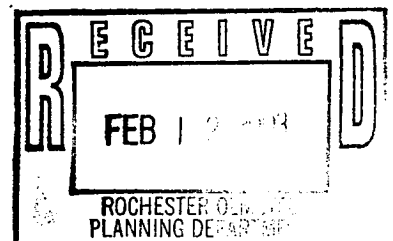
The applicant intends to participate in the city's regional storm water management plan. There should be no problem with off-site drainage created by this development.

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mcghiebetts.com

Established 1946



- d) Availability of utilities to serve the area under construction.

This site will be served with the existing utilities that serve the site now.

- e) Identification of possible erosion problems which may arise in the estimation of the applicant.

No erosion control problems are estimated with this site. However, at the time of any future construction, erosion control measures will be incorporated into the grading plan and final design if needed.

- f) A general statement as to the possible phasing of any development activity to occur on the property under the control of the applicant.

There will be no phasing for this project.

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